

REMARKS

The Office Action of June 25, 2003 repeats a requirement under 35 U.S.C. § 121 imposing a restriction requirement for the election of a single disclosed species from among the following species of the claimed invention:

Species I: Element 1, claims 1-5, 7, 12 and 15;
Species II: Element 2, claims 6, 13 and 16;
Species III: Element 3, claims 8-11, 14 and 17;
Species IV: Element 4, claims 18-28, 38, 40, 42, 44, 46, 48, 50, 52 and 54;
Species V: Element 5, claims 29-37, 39, 41, 43, 45, 47, 49, 51, 53 and 55;
Species VI: Element 6, claims 62-111;
Species VII: Element 7, claims 127-130;
Species VIII: Method 1, claims 56-58;
Species IX: Method 2, claims 59-61;
Species X: Method 3, claims 112-122; and
Species XI: Method 4, claims 123-126.

Election

Applicants elect Species IV, with the further election of the subspecies directed to a single layer liquid crystal light modulation element, with traverse. Claims 18-28 and 38 read on the elected subspecies.

As the Examiner has noted, the claims directed to the non-elected subspecies (Species IV, multilayer) are generic to the elected subspecies. Claims 40, 42, 44, 46, 48, 50, 52 and 54 read on the non-elected subspecies of Species IV.

Applicants respectfully traverse the restriction requirement to the extent that it separates the claims of Species IV from those of Species IX, which Applicants respectfully suggest should be examined together as a single species.

The claims of Species IV are directed to the LC apparatus. The claims of Species IX are directed to a method of making the LC apparatus. The Examiner has not demonstrated that the devices of Species IV as claimed can be made by a materially different process. Similarly, the Examiner also has not demonstrated that the process of Species IX as claimed can be used to make other and different products. *See* MPEP § 806.05(f).

Due to the Applicants' election of the subspecies single layer liquid crystal light modulation element of Species IV, a change in the inventors is required. Original co-inventor Jun YAMADA was not a co-inventor with respect to the elected subspecies of Species IV. Accordingly, Applicants request deletion of YAMADA from the original inventor list. The remaining original co-inventors, Masakazu OKADA, Kiyofumi HASHIMOTO, and Mitsuyoshi MIYAI, each contributed to elected subspecies. Applicants will file in the near future a separate petition requesting this change in inventorship.

CONCLUSION


Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account. If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed. Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to

Serial No. 09/896,873

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Respectfully submitted,

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July 17, 2003

DA1 267649v1